

## Chapter 33 PERSONNEL REVIEW BOARD

[33.01. Enactment.](#)

[33.02. Created; membership; terms; oath; staff.](#)

[33.03. Functions of the personnel review board.](#)

[33.04. Investigations.](#)

[33.05. Review by the county board.](#)

### **33.01. Enactment.**

(1) *Legislative intent.* For the purpose of separating the personnel administrative functions of the existing civil service commission from the quasijudicial functions vested in such commission, and to assure that the discipline or discharge of county employees is not influenced by political considerations, nepotism, personal friendship or animosity, race, creed, color, national origin, sex, physical handicap, age or representative status except as provided by law, it is the intent of the county, acting under the authority of chapter 118, Laws of 1973, relating to county reorganization, to establish a personnel review board, and to transfer the duties and responsibilities as prescribed in ss. 63.10 and 63.12, Wis. Stats., as far as they relate to the discipline and discharge of employees and all of the duties and responsibilities prescribed in section 17.207 of the Code.

(2) *Enactment.* A personnel review board is hereby established and the duties and responsibilities of the county civil service commission as set forth in ss. 63.10 and 63.12, Wis. Stats., and section 17.207 of the Code as they relate to the discipline and discharge of employees, are hereby transferred to such personnel review board.

### **33.02. Created; membership; terms; oath; staff.**

(1) *Members.* A personnel review board is hereby created to consist of five members to be appointed by the county executive and confirmed by the county board. All of the members shall be residents of the county. Appointments shall be made on the basis of recognized and demonstrated interest in and knowledge of personnel procedures. No person shall be appointed who holds any elective or appointed public position or office of any sort in county government.

(2) *Terms.* Of the persons first appointed to the board, one (1) shall hold office for a term of one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. All appointments made after the initial terms have expired shall be for a term of five (5) years.

(3) *Oath.* Every person appointed shall take and file the official oath.

(4) *Staff.* The staff of the board shall consist of a secretary and such additional clerical positions as the secretary may require to perform the duties. The secretary shall be appointed by the personnel review board. The secretary shall cause the minutes of the meetings and proceedings of the board to be taken. The original copies shall be the official minutes of its hearings and proceedings, and shall be open and available for public inspection.

### **33.03. Functions of the personnel review board.**

The personnel review board shall:

(1) *Annual review.* Annually review the rules, practices and procedures of the civil service commission and submit a written report thereon to the civil service commission, the county executive and the county board.

(2) *Discipline and discharge.* Hear all charges filed by appointing authorities or other persons authorized to file charges under s. 63.10, Wis. Stats., alleging that an officer or employee in the classified service of the county has acted in such a manner as to show that individual to be incompetent to perform his/her duties or to have merited discipline or discharge. Hear all charges filed by the ethics board alleging that an officer or employee of the county has violated chapter 9 of the Code.

(3) *Rules and regulations.* Adopt such rules and regulations as are necessary to properly conduct hearings before the board and to protect an individual's right to due process under the state constitution and the United States Constitution.

(4) *Meetings.* All meetings of the board shall be announced in advance, shall be open to the public subject to the limitations of s. 19.85, Wis. Stats., and minutes of such meetings, except those portions covering hearings on charges against employees, shall be submitted to the director of human resources, the civil service commission, the county executive, chairperson of the county board and chairperson of the committee on personnel within two (2) weeks following the meeting.

### **33.04. Investigations.**

(1) *Subpoena power.* The personnel review board may subpoena witnesses, administer oaths, examine witnesses and compel the production of documents, records and papers of all sorts in conducting such investigations as the board may deem necessary or proper in carrying out its duties, including hearings on complaints and charges filed against employees. The board may examine such public records as it requires in relation to any such investigation or hearing. All officers or other persons in the employ of the county shall attend and testify when requested to do so by the board. In case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he/she may be lawfully interrogated, the circuit court of the county or the judge thereof, on application of the board, shall issue an order requiring such person to comply with such subpoena and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(2) *Witness fees.* Each person not in the employ of the county who appears before the board by its order shall receive for his/her attendance the fees and mileage provided for witnesses in civil actions in courts of record, which shall be paid out of the appropriation of the board, but no witness subpoenaed at the instance of parties other than the board shall be entitled to witness fees or mileage unless the board certifies that his/her testimony was relevant and material to the matter investigated.

### **33.05. Review by the county board.**

(1) *New rules.* All new civil service rules and modifications or amendments to existing civil service rules shall be referred to the county board by the director of human resources prior to consideration by the civil service commission. No new civil service rule or modification or amendment to an existing civil service rule shall be submitted by the director of human resources, or other department head or employee, to the civil service commission for consideration until after the county board has completed a review of the new rule or amendment, and the county executive has acted on the county board action.

(2) *Existing rules.* All existing rules of the civil service commission shall be reviewed by the county board within one hundred eighty (180) days of the effective date of this chapter. Thereafter, all existing rules shall be referred to the county board for review every four (4) years on April 1, 1982, and every four (4) years thereafter. The county board may, within ninety (90) days after reference as set forth above, rescind any rules of the civil service commission.

### **LEGISLATIVE HISTORY**

All sections effective upon passage and publications unless otherwise indicated.

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